standard so that for lamps (other than headlamps) sold in pairs where each lamp contains all of the functions it replaces, compliance with location and color requirements would be determined based on the pair of lamps rather than the individual lamp, as long as the instructions to the purchaser make it clear that both lamps must be installed together.

We believe that a complete prohibition of any change in location or color is unnecessarily design-restrictive. We also recognize that, in the case of restyled lamps sold in pairs, consumers generally purchase the lamps to customize their vehicles. Consumers are unlikely to replace only one of a pair of lamps in this situation, since it would give their vehicles an odd, unbalanced appearance.

Pending completion of this rulemaking action, we will not enforce the location and color requirements for replacement lamps sold in pairs where each lamp or combination lamp contains all of the functions of the lamp it replaces and a vehicle would meet the location and color requirements with the pair of lamps installed.

We do not intend to propose to permit required functions to be moved from one lamp to another lamp, as in the Calcoast example, even if the lamps are sold in sets. Therefore, we may take enforcement action, as appropriate, with respect to such equipment.

This situation is not comparable to the one discussed earlier. There is a greater chance that a consumer may not use all of the lamps in such a replacement set, since the use of only some of the lamps would not necessarily give the vehicle an odd, unbalanced appearance. For example, if a replacement lamp set consisted of four lamps across the rear of a vehicle, a consumer might replace only the outer lamps.

In addition, the safety consequences of a consumer not using all of the lamps would be much greater. In the case for which we intend to initiate rulemaking, the failure of a consumer to install both lamps could result in required functions being at different heights or having different colors on opposite sides of the vehicle. In this other case, however, a required safety function would be lost altogether.

5. Large Vehicles

Our interpretation of S5.8.1 applies to all covered vehicles, regardless of vehicle size. Because that section does not make a distinction based upon vehicle size, we believe it would be inappropriate to have different interpretations of that provision based upon vehicle size.

We recognize, however, that the part of our interpretation about replacement lighting equipment not taking a vehicle out of compliance with FMVSS No. 108 is likely to have a more limited application to aftermarket lighting equipment for large vehicles (those whose width is 2032 mm (80 inches) or more) than to small vehicles. The specific context of the questions asked by Calcoast was aftermarket combination lamps for small vehicles, such as passenger cars. These lamps are typically designed for specific models and can only be installed on those models in the same location as the lamps they replace. In this type of situation, the issue of whether installation of the lamp will take a vehicle out of compliance with FMVSS No. 108 (*e.g.*, by not including a required function that was present on the lamp being replaced) is relatively straightforward.

However, for large vehicles, lighting equipment is often generic and not designed for specific models. Truck-Lite, for example, commented that it sells many kinds of lighting devices through catalog sales to hundreds of vehicle manufacturers whose equipment it has no way of knowing about. Our interpretation was not intended to suggest that the manufacturer of generic lighting equipment has the responsibility for ensuring correct selection and installation of its equipment. On the other hand, under our interpretation, a manufacturer of aftermarket lighting equipment could not design or recommend lighting equipment for a specific vehicle if installation of the equipment (assuming it was done correctly) took a vehicle out of compliance with FMVSS No. 108.

Issued on October 1, 2004.

Jacqueline Glassman,

Chief Counsel.

[FR Doc. 04–22623 Filed 10–7–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–21007]

CUSA RAZ, LLC d/b/a Raz Transportation Company—Acquisition of Assets and Business Operations—Raz Transportation Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: CUSA RAZ, LLC d/b/a Raz Transportation Company (CUSA RAZ or Applicant), a noncarrier, has filed an application under 49 U.S.C. 14303 to acquire the assets and business operations of Raz Transportation Company (MC–153581) (Raz or Seller). Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by November 22, 2004. Applicant may file a reply by December 7, 2004. If no comments are filed by November 22, 2004, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–21007 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of any comments to applicant's representative: Stephen Flott, Flott & Co. PC, P.O. Box 17655, Arlington, VA 22216–7655.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 565–1600. (Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.)

SUPPLEMENTARY INFORMATION: CUSA RAZ is a new company wholly owned and created by CUSA, LLC (CUSA) to undertake this transaction. CUSA is a noncarrier which controls over 20 Federal Motor Carrier Safety Administration (FMCSA) registered motor passenger carriers, and, in turn, is wholly owned by KBUS Holdings, LLC (KBUS), a noncarrier. KBUS acquired control of over 30 motor passenger carriers formerly owned by Coach USA, Inc., and then consolidated those entities into the motor passenger carriers now controlled by CUSA.[1] These carriers operate more than 1,000 coaches and 600 other revenue vehicles in 35 states. Annual revenues for the companies controlled by CUSA for 2004 are forecast to be $220 million.

Applicant has entered into an agreement with Raz to buy Raz's assets, including vehicles, and its business operations. CUSA RAZ has an application pending with FMCSA to obtain contract and common carrier operating rights. Once this transaction is consummated, the Federal operating authority currently held by Seller will be surrendered.

[1] *See KBUS Holdings, LLC—Acquisition of Assets and Business Operations—All West Coachlines, Inc.,* et al., STB Docket No. MC–F–21000 (STB served July 23, 2003).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction found to be consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted information, as required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicant states that the public will be unaffected by the proposed transaction because the new company will be operated by the same managers and in the same manner as Raz. Also, CUSA RAZ states that the proposed transaction will have no effect on fixed charges or employees. Applicant states that all qualified Raz employees who desire employment will be offered employment with CUSA RAZ. CUSA RAZ asserts that the proposed transaction will allow CUSA to extend its advantages of volume purchasing power in areas such as equipment and fuel to this new acquisition. Additional information, including a copy of the application, may be obtained from Applicant's representative.

On the basis of the application, the Board finds that the proposed transaction is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on November 22, 2004, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: October 4, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,

Secretary.

[FR Doc. 04–22704 Filed 10–7–04; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34551]

Standard Terminal Railroad of New Jersey, Inc.—Acquisition Exemption—Rail Line of Joseph C. Horner

Standard Terminal Railroad of New Jersey, Inc. (STRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 1.25 miles of rail line located in the Township of Bridgewater and the Borough of Manville, Somerset County, NJ, that is part of a rail line known as the Reading Company New York Branch (also known as the Raritan Valley Connecting Track), and identified as Line Code 0326, between milepost 57.25 at Manville Yard and milepost 58.50 at a junction with New Jersey's commuter line.[1] STRR will provide common carrier rail service through a subcontractor who will conduct the day-to-day operations on the line.

STRR states that it has purchased the right to operate over this line of railroad, which is owned by Joseph C. Horner, pursuant to a perpetual, irrevocable, exclusive and assignable easement. STRR also states that it has acquired title to a railroad bridge spanning the Raritan River that connects the properties on which the easement lies. STRR indicates that, although Mr. Horner and STRR effectuated the transfer of property by Quitclaim Deeds on July 26 and 27, 2002, the ownership of the property is a matter pending in the United States Bankruptcy Court. *In the Matter of Bridgwater Resources, Inc.,* No. 00–60057 (WHG) (D.N.J.).

Publication of this notice and effectiveness of the exemption does not constitute any finding by the Board concerning the ownership of the property involved. The exemption merely permits STRR and Mr. Horner to consummate the described transaction if and when they, in fact, have the legal capacity to do so.[2]

It should be noted that there may be two operators on the line if STRR begins operations. The Board has sanctioned dual operations on rail lines previously, and requires coordinated dispatching and operating protocols to assure safe operations. The Federal Railroad Administration also has regulations governing rail safety in the instance of such operations. These regulations have assured safe operations in the past and may be relied upon to do so in the future, on this line and elsewhere. To assure coordination of dispatching, STRR must certify to the Board that coordination protocols for dual operations are in place and have been fully communicated to the other operator before its operations can commence on the line under this authority.

STRR certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

STRR states that it intends to consummate the transaction by the later of 7 days after the exemption was filed or upon affirmation of its ownership rights by the bankruptcy court.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34551, must be filed with

[1] The Board previously granted an exemption to Morristown & Erie Railway, Inc. (M&E) to operate the rail property that is the subject of this notice of exemption. *See Morristown & Erie Railway, Inc.—Operation Exemption—Somerset Terminal Railroad Corporation,* STB Finance Docket No. 34267 (STB served Dec. 20, 2002).

[2] By letter filed on September 16, 2004, Bridgewater Resources, Inc. (Bridgewater), which owns and operates a solid waste transfer facility near Bridgewater, NJ, states that neither STRR nor M&E have operating rights over the property in question. Bridgewater states that it owns the exclusive easement over the property, as well as the track and track structure. According to Bridgewater, Norfolk Southern Railway Company has used the track, with Bridgewater's permission, to provide direct rail service to Bridgewater's facility. Bridgewater does not seek to stay the exemption but urges the Board in publishing its notice to stress that publication of this notice does not constitute any finding by the Board concerning the ownership of the property involved and does not provide any basis for STRR to claim that the Board has permitted STRR to conduct or subcontract operations in the absence of a decision by the court that STRR has the legal right to conduct such operations. STRR replied on September 17, 2004.